

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CAMERON LUNDQUIST, an individual,
and LEEANA LARA, an individual, on
behalf of themselves and all others
similarly situated,

Plaintiffs,

v.

FIRST NATIONAL INSURANCE
COMPANY OF AMERICA, a New
Hampshire Corporation, and LM
GENERAL INSURANCE COMPANY, an
Illinois Corporation, and CCC
INFORMATION SERVICES
INCORPORATED, a Delaware
Corporation,

Defendants.

CASE NO. 18-5301 RJB

ORDER DENYING MOTIONS TO
EXCLUDE EXPERT TESTIMONY
AND OPINIONS

THIS MATTER comes before the Court on Defendants First National Insurance Company of America and LM General Insurance Company's (collectively "Liberty") Motion to Strike Expert Reports of Berglund and Schwickerath for purposes of Class Certification (Dkt. 224; filed in redacted form at Dkt. 222), Defendant CCC Information Services Inc.'s ("CCC")

1 Motion to Exclude the Testimony and Report of Dr. Lance Kaufman (Dkt. 229; filed in redacted
2 form at Dkt. 227), CCC's Motion to Exclude the Testimony and Report of David A.
3 Schwickerath (Dkt. 233; filed in redacted form at Dkt. 231), and CCC's Motion to Exclude the
4 Testimony and Report of William J. Berglund (Dkt. 237; filed in redacted form at Dkt. 235).
5 The Court has considered the pleadings filed regarding the motions and the remaining file. Oral
6 argument on these motions is not required for their resolution.

7 **Motions to Exclude.** The Defendants' motions to exclude the testimony and opinions of
8 Berglund, Schwickerath and Kaufman (Dkts. 222, 224, 227, 229, 231, 233, 235, and 237) should
9 be denied in so far as they seek to exclude the testimony and reports from consideration on the
10 motion for class certification. Plaintiffs have sufficiently shown that these experts' opinions
11 satisfy the criteria required by Fed. R. Evid. 702 and set out in *Daubert v. Merrell Dow*
12 *Pharmaceuticals, Inc.*, 509 U.S. 579 (1993), for purposes of the class certification motion. The
13 expert opinions offered here show only possible approaches and no finding is made here on the
14 merits of any expert opinion. The denial of these motions to exclude are without prejudice to a
15 renewal of the motions, if appropriate, either as motions in limine or pursuant to *Daubert*
16 motions.

17 **ORDER**

18 It is **ORDERED** that:

- 19 • Liberty's Motion to Strike Expert Reports of Berglund and Schwickerath for
20 purposes of Class Certification (Dkt. 224; filed in redacted form at Dkt. 222),
21 Defendant CCC's Motion to Exclude the Testimony and Report of Dr. Lance
22 Kaufman (Dkt. 229; filed in redacted form at Dkt. 227), CCC's Motion to
23 Exclude the Testimony and Report of David A. Schwickerath (Dkt. 233; filed in
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1 redacted form at Dkt. 231), and CCC's Motion to Exclude the Testimony and
2 Report of William J. Berglund (Dkt. 237; filed in redacted form at Dkt. 235) **ARE**
3 **DENIED.**

4 The Clerk is directed to send uncertified copies of this Order to all counsel of record and
5 to any party appearing *pro se* at said party's last known address.

6 Dated this 13th day of October, 2020.

7 

8 ROBERT J. BRYAN
9 United States District Judge